



## COMBINED DECLARATION AND POWER OF ATTORNEY FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled INTEGRATED LANCING AND MEASUREMENT DEVICE AND ANALYTE MEASURING METHODS, the specification of which

is attached hereto.  
 was filed on July 28, 2003 and assigned Serial No. 10/629,348.

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge and understand that I am an individual who has a duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations §§ 1.56(a) and (b) which state:

"(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and  
(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

- (i) Opposing an argument of unpatentability relied on by the Office, or
- (ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability."

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application. This invention was not in public use or on sale in the United States of America more than one year prior to this application. This invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than one year prior to this application.

I hereby claim priority benefits under Title 35, United States Code § 119(e)(1) of any United States provisional application(s) for patent as indicated below. I hereby claim benefit under Title 35, United States Code § 120 of any United States Patent application(s) listed below and, insofar as the subject matter of each of the claims of this application are not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulation § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application No.	Date of Filing (day/month/year)	Priority Claimed
09/714,360	November 15, 2000	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
09/544,593	April 6, 2000	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
09/326,235	June 4, 1999	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
08/795,767	February 6, 1997	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

I hereby appoint the following attorneys and agents to prosecute that application and to transact all business in the Patent and Trademark Office connected therewith and to file, to prosecute and to transact all business in connection with all patent applications directed to the invention:

Dianne E. Reed, Reg. No. 31,292  
 Shelley P. Eberle, Reg. No. 31,411  
 Louis L. Wu, Reg. No. 44,413  
 Karen Canaan, Reg. No. 42,382  
 Carrie A. Beatus, Reg. No. 47,092  
 Mark L. Warzel, Reg. No. 47,264  
 CUSTOMER NO. 23980

Address all correspondence to Louis L. Wu at

REED & EBERLE LLP  
 800 Menlo Avenue, Suite 210  
 Menlo Park, California 94025

Address all telephone calls to Louis L. Wu at (650) 330-0900.

This appointment, including the right to delegate this appointment, shall also apply to the same extent to any proceedings established by the Patent Cooperation Treaty.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Sole or First Joint Inventor:

Signature: Adam Heller Date: 11/10/03  
Full Name Inventor: Adam HELLER  
Citizenship: United States of America  
Residence: Austin, Texas  
Post Office Address: 5217 Old Spicewood Springs Road, 1505, Austin, Texas 78731

Second Joint Inventor:

Signature: Benjamin J. Feldman Date: 11/5/03  
Full Name Inventor: Benjamin FELDMAN  
Citizenship: United States of America  
Residence: Oakland, California  
Post Office Address: 5830 Colby Street, Oakland, California 94618

Third Joint Inventor:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Full Name Inventor: James SAY  
Citizenship: United States of America  
Residence: Breckenridge, Colorado  
Post Office Address: 83 Swan Drive, Breckenridge, Colorado 80424



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Sole or First Joint Inventor:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Full Name Inventor: Adam HELLER  
Citizenship: United States of America  
Residence: Austin, Texas  
Post Office Address: 5217 Old Spicewood Springs Road, 1505, Austin, Texas 78731

Second Joint Inventor:

Signature: Benjamin J. Feldman Date: 11/5/03  
Full Name Inventor: Benjamin FELDMAN  
Citizenship: United States of America  
Residence: Oakland, California  
Post Office Address: 5830 Colby Street, Oakland, California 94618

Third Joint Inventor:

Signature: James SAY Date: 11/6/03  
Full Name Inventor: James SAY  
Citizenship: United States of America  
Residence: Breckenridge, Colorado  
Post Office Address: 83 Swan Drive, Breckenridge, Colorado 80424